

### **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 2, 7, 10, 16, 20, and 24-28 are currently being amended. Support for the amendment of claims 1, 7, 20, and 25-28 is found in the specification in paragraph [0040] on page 9, paragraphs [0105] to [0107] on pages 25-26, and also in Figures 7-9. Support for the amendments of claim 10 and 16 is found in the specification in paragraphs [0096] to [0102] on pages 23-25 and also in Figures 5, 6, and 12. Support for the amendment of claim 24 is found in the specification in paragraph [0040] on page 9, in paragraphs [0114] to [0116] on pages 28-30, and also in Figure 7.

Claim 2 is amended to delete a step that is redundant in view of the amendment of claim 1.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-38 are now pending in this application.

#### **Substance of Telephonic Interview**

Applicant thanks the Examiner for the courtesy extended to John Rigsbee (Assignee's representative) and the undersigned in the telephonic interview of 6 June 2007. The single outstanding rejection under 35 U.S.C. § 101 was discussed with Examiner Silver and his supervisor, Examiner Tsieh (spelling uncertain). It was agreed that amendments to the independent claims reciting generation of and storage of an output, such as a simulated biological

attribute or changed parameter set, would overcome the pending rejection. Such amendments are made herein and discussed in greater detail below.

### **35 USC § 101**

Claims 1-6 and 10-38 stand rejected under 35 USC § 101 as the claimed invention allegedly being directed to non-statutory subject matter. The Office Action states:

The method claims do not produce a useful, tangible, and concrete final result. The steps of the method claims do not produce a useful, tangible, and concrete result. They merely recite a software algorithm, per se, which, for example, does not display, store, or otherwise provide a useful tangible output.

Applicant amends the independent claims 1, 25, and 26 (claims 2-6, 29, and 30 depend from claim 1, claim 35 depends from claim 25, claim 36 depends from claim 26) by adding a steps of “producing a simulated biological attribute associated with at least one biological attribute of diabetes based on the combined plurality of biological processes” and “storing the simulated biological attribute in a computer-readable medium.” Support for producing the simulated biological attribute” can be found, *inter alia*, in claim 2 as originally filed. Support for storing the simulated biological attribute in a computer readable medium can be found, *inter alia*, in the specification in paragraph [0040] on page 9, paragraphs [0105] to [0107] on pages 25-26, and also in Figures 7-9.

Similarly, independent claim 20, drawn to a computer readable medium having computer readable instruction stored thereon that, upon execution by a processor, cause the processor to model a disease state of diabetes, is amended to recite that the instruction comprise the steps of producing a simulated biological attribute and storing that attribute in a computer readable medium. Support for this amendment can be found in claim 2, and the specification in paragraph [0040] on page 9, paragraphs [0105] to [0107] on pages 25-26, the section entitled “Simulation of Biological Attributes of Diabetes” beginning at page 22, and also in Figures 7-9.

Claim 24 also corresponds to a method for creating a computer model of diabetes which involves a step of assessing a validity of the computer model based on a comparison between the simulated biological attribute and a corresponding biological attribute associated with a reference pattern of diabetes. Applicant has amended the claim by adding a step of “storing the simulated biological attribute in a computer-readable medium.” Support for this amendment is found in the specification in paragraph [0040] on page 9, in paragraphs [0114] to [0116] on pages 28-30, and also in Figure 7.

Claims 27 and 28, drawn to computer models of a disease state of diabetes, are amended to recite that the included processor is configured (a) to execute the instructions producing a simulated biological attribute and (b) to store the simulated biological attribute in a computer-readable medium. Support for this amendment is the same as that for the amendments to claims 1, 20, and 25-27, discussed above.

Claims 10 and 16 already recite changing a parameter set based on a user-identified defect indicator. Claims 10 and 16 are amended to clarify that changing the parameter set generates a “changed parameter set”. Claims 10 and 16 are further amended to recite that the changed parameter set is stored in a computer-readable medium. Support for this amendment is found in the specification in paragraphs [0096] to [0102] on pages 23-25 and also in Figures 5, 6, and 12

Accordingly, the final result achieved by the claimed invention, as claimed in amended claims 1-38, is “useful, tangible, and concrete” and the claimed invention is directed to statutory subject matter. Applicant respectfully respects withdrawal of the rejection of claims 1-6 and 10-38 under 35 USC § 101.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By N. Thakur

FOLEY & LARDNER LLP  
Customer Number: 55388  
Telephone: (650) 251-1117  
Facsimile: (650) 856-3710

Neeta C. Thakur, Ph.D.  
Agent for Applicant  
Registration No. 59,123